

ORDINANCE NO. 06-13

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES
ENTITLED "MISCELLANEOUS OFFENSES" BY AMENDING
SECTION 42-6 TO REGULATE THE APPLICATION OF
TEMPORARY TATTOOS, PARTICULARLY THOSE
CONTAINING PARAPHENYLENEDIAMINE (PPD) OR OTHER
COAL-TAR PRODUCTS; PROVIDING FOR A WARNING
NOTICE; PROVIDING FOR PENALTY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, the application of temporary or henna tattoos is a common occurrence on both private and public property in Key West; and

WHEREAS, the City Commission finds that a temporary henna tattoo containing the substance PPD or other coal-tar product may cause severe adverse skin reactions; and

WHEREAS, the City Commission finds that a warning to the customer of the potential health risks of henna adulterated with PPD is necessary; and

WHEREAS, the City Commission finds that the regulation of the application of temporary tattoos would serve to promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 42-6 of the Code of Ordinances is hereby amended as follows*:

**Sec. 42-6. Tattoo establishments, operators;
temporary tattoos.**

(a) It shall be unlawful for any person to operate a tattoo establishment in the practice of tattooing within the city.

(b) A person licensed to apply a temporary tattoo on a customer's skin in the city of Key West shall not adulterate the henna or other type of pigment or dye with paraphenylenediamine ("PPD") or other coal-tar product. All persons licensed to apply a temporary tattoo shall provide a written warning notice of potential detrimental health effects, as provided in subsection (c). For the purposes of this section, a "temporary tattoo" means a mark or design made by a process of ingraining an impermanent pigment or dye on the skin.

(c) A person licensed to apply a temporary tattoo on a customer's skin in the city of Key West shall post in plain view, at the location of the application of the temporary tattoo, on cardboard or other similar material, with dimensions of at least two feet by two feet and with at least half-inch block style letters, a sign which shall read as follows:

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

1. HENNA OR ANY OTHER TYPE OF PIGMENT OR DYE
USED AT THIS LOCATION DOES NOT CONTAIN
PARAPHENYLENEDIAMINE (PPD) OR OTHER COAL-
TAR PRODUCT.
2. PPD MAY CAUSE SKIN IRRITATION,
BLISTERING, INFECTION OR OTHER HARMFUL
SKIN REACTIONS.
3. IN THE EVENT THAT YOU SUFFER AN ADVERSE
SKIN REACTION FROM A TEMPORARY TATTOO,
CONSULT YOUR PHYSICIAN IMMEDIATELY.

(d) A violation of this section shall be punishable in
accordance with section 1-15 of the code of ordinances. In
addition thereto, a person who applies or is found to have applied
a temporary tattoo adulterated with PPD or other coal-tar product,
shall be subject to occupational license suspension, as provided in
section 66-105(a)(1) of the code of ordinances.

Section 2. If any section, provision, clause, phrase, or
application of this Ordinance is held invalid or unconstitutional
for any reason by any court of competent jurisdiction, the
remaining provisions of this Ordinance shall be deemed severable
therefrom and shall be construed as reasonable and necessary to
achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 18 day of July, 2006.

Read and passed on final reading at a regular meeting held this 1 day of August, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 2 day of August, 2006.

Filed with the Clerk August 2, 2006.


MORGAN MCPHERSON, MAYOR

ATTEST


CHERYL SMITH, CITY CLERK